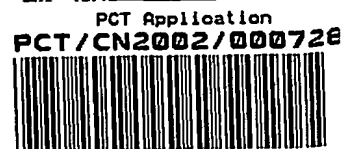


Translation

PATENT COOPERATION TREATY

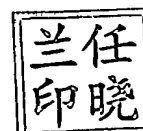
PCT



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IEC020041PCT		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CN02/00728	International filing date (day/month/year) 17. Oct. 2002(17.10.2002)	Priority date (day/month/year)	
International Patent Classification (IPC) or national classification and IPC IPC <sup>7</sup> C07C43/196 C07C41/34 A61P3/10			
Applicant Liang Jingyu et al			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 18. Mar. 2004		Date of completion of this report 18. Jan. 2005	
Name and mailing address of the IPEA/CN 6 Xitucheng Rd., Jimen Bridge, Haidian District, 100088 Beijing, China		Authorized officer Ren Xiaolan	
Facsimile No. 86-10-62019451		Telephone No. 86-10-52085598	



## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN02/00728

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))  
☐ publication of the international application (under Rule 12.4)  
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages \_\_\_\_\_ as originally filed/furnished  
pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the claims:

pages \_\_\_\_\_ as originally filed/furnished  
pages \* \_\_\_\_\_ as amended (together with any statement) under Article 19  
pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the drawings:

pages \_\_\_\_\_ as originally filed/furnished  
pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_  
☐ the claims, Nos. \_\_\_\_\_  
☐ the drawings, sheets/figs \_\_\_\_\_  
☐ the sequence listing (*specify*): \_\_\_\_\_  
☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_  
☐ the claims, Nos. \_\_\_\_\_  
☐ the drawings, sheets/figs \_\_\_\_\_  
☐ the sequence listing (*specify*): \_\_\_\_\_  
☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/CN02/00728**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement:

Novelty (N)

Claims 2-14

YES

Claims 1

NO

Inventive step (IS)

Claims 9-14

YES

Claims 1-8

NO

Industrial applicability (IA)

Claims 1-14

YES

Claims

NO

## 2. Citations and explanations (Rule 70.7)

## 1. Cited documents :

D1: Murakami et al, Yakugaku Zasshi, 1995, 105(7), 649-654

D2: Nasim Sultana et al, Phytochemistry, 1999, 50, 1249-1253

D3: P. Dittich et al, Phytochemistry, 1971, 11, 245-250

D4: Laurens Snderson et al, J. Am. Chem. Soc., 1957, 79, 1171-1174

## 2. Novelty and Inventive step

Claim 1 relates to a compound, 5-O-methyl-myo-inositol, i.e. sequoyitol. This is a known compound (pls. see the whole documents of D1-D4). Accordingly, the subject matter of claim 1 is not considered to meet the requirements of the PCT Art. 33(2)(3) with respects of Novelty and Inventive Step.

It seems that none of the prior art documents discloses the method of extracting sequoyitol from the Taxux spp. In claims 2-8. However, according to the taught in D3 that sequoyitol is present in the Taxaceae, it is obvious to a skilled in the art to extract it out from the Taxus spp. by a conventional routine, such as the extracting methods in D1 or D2. Thus, the subject matters of claims 2-8 appear not to involve inventive step, i.e. they are considered not to meet the requirement of the PCT Art. 33(3).

None of the prior art documents discloses the pharmaceutical compositions in claims 9-10 and the pharmaceutical uses in claims 11-14. So they are considered to meet the criteria mentioned in the PCT Art. 33(2)(3).

## 3. Industrial applicable

Claim 1-14 are considered to be industrial applicable.